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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LARRY HUSCHER,

11 Plaintiff,

No. CIV S-09-2752 DAD P

12 vs.

13 SUPERIOR COURT OF
14 SAN BERNARDINO COUNTY

15 Defendant.

ORDER

16 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant
17 to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In light of 1996
18 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in
19 forma pauperis.

20 The federal venue statute requires that a civil action, other than one based on
21 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
22 defendants reside in the same State, (2) a judicial district in which a substantial part of the events
23 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject
24 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
25 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

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1 In this case, the defendant is located and plaintiff's claim arose in San Bernardino
2 County, which is within the Central District of California. Therefore, plaintiff's complaint
3 should have been filed in the United States District Court for the Central District of California.
4 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the
5 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
6 1974).

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. This court has not ruled on plaintiff's request to proceed in forma pauperis; and
9 2. This matter is transferred to the United States District Court for the Central
10 District of California.

11 DATED: October 8, 2009.

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14 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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